

AMENDED IN SENATE MAY 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 290

Introduced by Assembly Member Alejo

February 11, 2013

An act to amend Sections 1596.865, 1596.866, and 1596.8661 of the Health and Safety Code, relating to child day care.

LEGISLATIVE COUNSEL’S DIGEST

AB 290, as amended, Alejo. Child day care: childhood nutrition training.

Existing law, the California Child Day Care Act, requires that, as a condition of licensure and in addition to any other required training, at least one director or teacher at each day care center, and each family day care home licensee who provides care, have at least 15 hours of health and safety training, covering specified components, including preventative health practices courses.

This bill would provide ~~that~~ *that*, for licenses issued on or after January 1, 2015, a director or teacher who receives the health and safety training shall also have at least one hour of childhood nutrition training as part of the preventive health practices course or courses. The bill would require the childhood nutrition training to include content on age-appropriate meal patterns, as specified, and information about ~~participation in reimbursement rates for the federal Child and Adult Care Food Program.~~ *Program (CACFP), and would direct child care providers to the CACFP Unit of the State Department of Education for detailed information on CACFP eligibility and enrollment.*

This bill would also make legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Nearly 25 percent of California's preschool age children are
4 overweight or obese and at risk of developing chronic diseases,
5 which contribute to escalating health care costs.

6 (b) Child care participation in the United States is at an all-time
7 high. There are more than 45,000 licensed child care facilities in
8 California that serve over one million children.

9 (c) Research demonstrates that taste preferences and lifelong
10 nutrition habits are formed during the early childhood years.

11 (d) Research shows that the diets of most children in the United
12 States do not meet the recommendations of the Dietary Guidelines
13 for Americans. Children's diets tend to be low in fruits, vegetables,
14 calcium-rich foods, and fiber and high in total fats, saturated and
15 trans fats, salt, and added sugar.

16 (e) Research supports that training for child care providers can
17 improve the quality of early childhood programs.

18 (f) The state has a strong policy and financial involvement in
19 the licensed child care system and in the health and safety of
20 children while they are engaged in that system.

21 SEC. 2. Section 1596.865 of the Health and Safety Code is
22 amended to read:

23 1596.865. It is the intent of the Legislature to encourage any
24 person who provides child care in a child day care facility licensed
25 pursuant to this chapter, Chapter 3.5 (commencing with Section
26 1596.90), or Chapter 3.6 (commencing with Section 1597.30) to
27 have the following elementary health care training:

28 (a) Cardiopulmonary resuscitation.

29 (b) Pediatric first aid.

30 (c) Preventive health practices, including food preparation,
31 childhood nutrition, and sanitation practices that support overall
32 health and reduce the spread of infectious diseases.

33 SEC. 3. Section 1596.866 of the Health and Safety Code is
34 amended to read:

1 1596.866. (a) (1) In addition to other required training, at
2 least one director or teacher at each day care center, and each
3 family day care home licensee who provides care, shall have at
4 least 15 hours of health and safety training, and if applicable, at
5 least one additional hour of training pursuant to clause (ii) of
6 subparagraph (C) of paragraph (2).

7 (2) The training shall include the following components:

8 (A) Pediatric first aid.

9 (B) Pediatric cardiopulmonary resuscitation (CPR).

10 (C) (i) A preventive health practices course or courses that
11 include instruction in the recognition, management, and prevention
12 of infectious diseases, including immunizations, and prevention
13 of childhood injuries.

14 (ii) For licenses issued on or after January 1, 2015, at least one
15 director or teacher at each day care center, and each family day
16 care home licensee who provides care, shall have at least one hour
17 of childhood nutrition training as part of the preventive health
18 practices course or courses.

19 (3) The training may include instruction in sanitary food
20 handling, emergency preparedness and evacuation, caring for
21 children with special needs, and identification and reporting of
22 signs and symptoms of child abuse.

23 (b) Day care center directors and licensees of family day care
24 homes shall ensure that at least one staff ~~member~~, *member* who
25 has a current course completion card in pediatric first aid and
26 pediatric CPR issued by the American Red Cross, the American
27 Heart Association, or by a training program that has been approved
28 by the Emergency Medical Services Authority pursuant to this
29 section and Section ~~1797.191~~, *1797.191* shall be onsite at all times
30 when children are present at the facility, and shall be present with
31 the children when children are offsite from the facility for facility
32 activities. Nothing in this subdivision shall be construed to require,
33 in the event of an emergency, additional staff members, who are
34 onsite when children are present at the facility, to have a current
35 course completion card in pediatric first aid and pediatric CPR.

36 (c) (1) The completion of health and safety training by all
37 personnel and licensees described in subdivision (a) shall be a
38 condition of licensure.

39 (2) Training in pediatric first aid and pediatric CPR by persons
40 described in subdivisions (a) and (b) shall be current at all times.

1 Training in preventive health practices as described in subparagraph
2 (C) of paragraph (2) of subdivision (a) is a one-time only
3 requirement for persons described in subdivision (a).

4 (3) The department shall issue a provisional license for otherwise
5 qualified applicants who are not in compliance with this section.
6 This provisional license shall expire 90 days after the date of
7 issuance and shall not be extended.

8 (4) A notice of deficiency shall be issued by the department at
9 the time of a site visit to any licensee who is not in compliance
10 with this section. The licensee shall, at the time the notice is issued,
11 develop a plan of correction to correct the deficiency within 90
12 days of receiving the notice. The facility's license may be revoked
13 if it fails to correct the deficiency within the 90-day period. Section
14 1596.890 shall not apply to this paragraph.

15 (d) Completion of the training required pursuant to subdivisions
16 (a) and (b) shall be demonstrated, upon request of the licensing
17 agency, by the following:

18 (1) Current pediatric first aid and pediatric CPR course
19 completion cards issued by the American Red Cross, the American
20 Heart Association, or by a training program approved by the
21 Emergency Medical Services Authority pursuant to Section
22 1797.191.

23 (2) (A) A course completion card for a preventive health
24 practices course or courses as described in subparagraph (C) of
25 paragraph (2) of subdivision (a) issued by a training program
26 approved by the Emergency Medical Services Authority pursuant
27 to Section 1797.191.

28 (B) Persons who, prior to the date on which the amendments to
29 this section enacted in 1998 become operative, have completed a
30 course or courses in preventive health practices as described in
31 clause (i) of subparagraph (C) of paragraph (2) of subdivision (a),
32 and have a certificate of completion of a course or courses in
33 preventive health practices, or certified copies of transcripts that
34 identify the number of hours and the specific course or courses
35 taken for training in preventive health practices, shall be deemed
36 to have met the training in preventive health practices.

37 (3) In addition to training programs specified in paragraphs (1)
38 and (2), training programs or courses in pediatric first aid, pediatric
39 CPR, and preventive health practices offered or approved by an
40 accredited college or university are considered to be approved

1 sources of training that may be used to satisfy the training
2 requirements of paragraph (2) of subdivision (a). Completion of
3 this training shall be demonstrated to the licensing agency by a
4 certificate of course completion, course completion cards, or
5 certified copies of transcripts that identify the number of hours
6 and the specified course or courses taken for the training as defined
7 in paragraph (2) of subdivision (a).

8 (e) The training required under subdivision (a) shall not be
9 provided by a home study course. This training may be provided
10 through in-service training, workshops, or classes.

11 (f) All personnel and licensees described in subdivisions (a) and
12 (b) shall maintain current course completion cards for pediatric
13 first aid and pediatric CPR issued by the American Red Cross, the
14 American Heart Association, or by a training program approved
15 by the Emergency Medical Services Authority pursuant to Section
16 1797.191, or shall have current certification in pediatric first aid
17 and pediatric CPR from an accredited college or university in
18 accordance with paragraph (3) of subdivision (d).

19 (g) The department shall have the authority to grant exceptions
20 to the requirements imposed by this section in order to meet the
21 requirements of the Americans with Disabilities Act of 1990 (42
22 U.S.C. Sec. 12101 et seq.).

23 (h) The department shall adopt regulations to implement this
24 section.

25 SEC. 4. Section 1596.8661 of the Health and Safety Code is
26 amended to read:

27 1596.8661. (a) For purposes of the training required pursuant
28 to paragraph (4) of subdivision (a) of Section 1596.798, pediatric
29 first aid training pursuant to Section 1596.866 shall include a
30 component of training in the administration of inhaled medication
31 described in paragraph (4) of subdivision (a) of Section 1596.798.

32 (b) The Emergency Medical Services Authority shall establish,
33 consistent with Section 1797.191, minimum standards for a
34 component of pediatric first aid training that satisfies the
35 requirements of paragraph (4) of subdivision (a) of Section
36 1596.798. For purposes of this subdivision, the Emergency Medical
37 Services Authority is encouraged to consult with organizations
38 and providers with expertise in administering inhaled medication
39 and nebulizer care, including, but not limited to, the American
40 Lung Association, respiratory therapists, and others.

1 (c) For purposes of the training required pursuant to clause (ii)
2 of subparagraph (C) of paragraph (2) of subdivision (a) of Section
3 1596.866, instruction in childhood nutrition shall be at least one
4 hour in length and shall include content on age-appropriate meal
5 patterns based on the most current Dietary Guidelines for
6 Americans. In order to increase *child care* providers' capacity to
7 serve healthy foods at a lower cost, the training shall ~~inform~~
8 ~~prospective providers~~ *contain information about eligibility,*
9 ~~enrollment, and reimbursement for participating in reimbursement~~
10 *rates for the United States Department of Agriculture's Child and*
11 *Adult Care Food Program (CACFP) (7 C.F.R. 226.20), 226.20),*
12 *and shall direct child care providers to the CACFP Unit of the*
13 *Nutrition Services Division of the State Department of Education*
14 *for detailed information on CACFP eligibility and enrollment.*